

House File 2134 - Introduced

HOUSE FILE 2134

BY BERRY

A BILL FOR

1 An Act requiring notification about certain criminal histories
2 of residents of a health care facility or residential
3 program, making penalties applicable, and including
4 effective date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135C.1, Code 2011, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 14A. "*Personal representative*" means an
4 adult person identified by the administrative office of a
5 health care facility or the administrator of a residential
6 program described in section 135C.6, subsection 8, who has
7 periodic contact with the facility or program about the welfare
8 of a resident.

9 NEW SUBSECTION. 19A. "*Sex offender*" means a person required
10 to register as a sex offender pursuant to chapter 692A who
11 is classified as either a tier II or tier III offender under
12 section 692A.102.

13 Sec. 2. NEW SECTION. 135C.9A **Sex offender registry and**
14 **criminal records check.**

15 1. The administrator or designee of a health care facility
16 or of a residential program described in section 135C.6,
17 subsection 8, shall access and search the sex offender registry
18 established in chapter 692A and request a criminal history data
19 check pursuant to chapter 692 for each new resident of the
20 facility or program prior to or immediately after admitting the
21 new resident into the facility or program.

22 2. a. If the administrator or designee of a health care
23 facility or residential program described in section 135C.6,
24 subsection 8, learns that a resident admitted to the facility
25 or program is required to register as a sex offender or has
26 a criminal history that involves an arrest for or conviction
27 of an assault under chapter 708, arson under chapter 712, or a
28 forcible felony as defined in section 702.11, the facility or
29 program shall notify each resident of the facility or program
30 that a sex offender or a person arrested for or convicted of
31 an offense listed in this paragraph has been admitted to the
32 facility or program as a resident.

33 b. The facility or program shall also notify the personal
34 representative of a resident of the admittance of a sex
35 offender required to register or a person arrested for or

1 convicted of an offense listed in paragraph "a". If a personal
2 representative is unable to be identified, the facility or
3 program shall notify one adult family member of the resident.

4 c. The notification required by this section shall be
5 provided through regular mail or by electronic communication
6 within three business days of learning that a person admitted
7 to the facility or program as a resident is required to
8 register as a sex offender or has been arrested for or
9 convicted of an offense listed in paragraph "a". The
10 notification shall identify the resident by name and disclose
11 the location of the residence.

12 3. The fee to conduct the criminal history data check
13 required by this section shall be paid by the health care
14 facility or residential program described in section 135C.6,
15 subsection 8.

16 Sec. 3. CONDUCTING A REVIEW OF THE SEX OFFENDER REGISTRY
17 AND PERFORMING A CRIMINAL HISTORY DATA CHECK FOR CURRENT
18 RESIDENTS. The administrator or designee of a health care
19 facility as defined in section 135C.1 or the administrator of a
20 residential program described in section 135C.6, subsection 8,
21 shall, within thirty days of the effective date of this Act,
22 access and search the sex offender registry established in
23 chapter 692A and request a criminal history data check pursuant
24 to chapter 692 for persons who were residents of the facility
25 or program prior to the effective date of this Act and who
26 remain residents of the facility or program on or after the
27 effective date of this Act.

28 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
29 immediate importance, takes effect upon enactment.

30 EXPLANATION

31 This bill relates to notifying residents of a health care
32 facility or residential program about the criminal history of
33 another patient.

34 Under the bill, the administrator or designee of a
35 health care facility defined in Code section 135C.1 or the

1 administrator of a residential program described in Code
2 section 135C.6(8) shall access and search the sex offender
3 registry established in Code chapter 692A and request a
4 criminal history data check pursuant to Code chapter 692 for
5 each new resident of the facility or program prior to or
6 immediately after admitting the new resident into the facility
7 or program.

8 A health care facility or residential program is also
9 required by the bill to access and search the sex offender
10 registry and request a criminal history data check, within 30
11 days of the effective date of the bill, for current residents
12 of the facility or program who remain residents of the facility
13 or program on or after the effective date of the bill.

14 If the administrator or designee of a health care facility
15 or residential program learns that a resident admitted to the
16 facility or program is required to register as a sex offender
17 or has a criminal history that involves an arrest or conviction
18 for assault under Code chapter 708, arson under Code chapter
19 712, or a forcible felony as defined in Code section 702.11,
20 the bill requires the facility or program to notify each
21 resident of the facility or program that a sex offender or a
22 person arrested for or convicted of any of the aforementioned
23 offenses has been admitted to the facility or program.

24 The bill also requires the administrator or designee of
25 a health care facility or the administrator of a residential
26 program to notify the personal representative or an adult
27 family member of the resident about the admittance of a
28 resident to the facility or program who is a sex offender or
29 a person arrested for or convicted of an assault, arson, or
30 forcible felony.

31 The notification required by the bill shall be provided
32 through regular mail or by electronic communication within
33 three business days of the health care facility or residential
34 program learning that a person admitted to the facility or
35 program as a resident is required to register as a sex offender

1 or has been arrested for or convicted of an assault, arson, or
2 forcible felony.

3 The bill requires that the notification identify the
4 resident by name and disclose the location of the residence.

5 The bill also requires the health care facility or
6 residential program to pay the costs to conduct a criminal
7 history data check for a resident.

8 A health care facility or residential program that violates
9 the bill is subject to penalties and inspections specified in
10 Code sections 135C.36 through 135C.48 and classified by the
11 department of inspections and appeals by rule.

12 The bill defines "sex offender" to mean a person required to
13 register as a sex offender pursuant to Code chapter 692A who is
14 classified as either a tier II or tier III offender under Code
15 section 692A.102.

16 The bill takes effect upon enactment.